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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,795	09/29/2006	Yoshio Sasaki	8048-1195	6720
465 7590 10/06/2008 YOUNG & THOMPSON 209 Madison Street Suite 500 ALEXANDRIA, VA 22314			EXAMINER ORTIZ CRIADO, JORGE L.	
			ART UNIT 2627	PAPER NUMBER
			MAIL DATE 10/06/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/594,795

Applicant(s)

SASAKI ET AL.

Examiner

JORGE L. ORTIZ CRIADO

Art Unit

2627

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

Claims 18 and 19 are objected to because the term “fA” is an acronym of an intended meaning, which could mean different things and/or change in meaning overtime, hence it would be desirable to write out the actual words to which the acronym refers.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter of “fA” as in claims 18 and 19. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction is required:

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 18 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 18 and 19 recite a “fA” value, but the value is not defined in the claim nor the specification provides for such definition, making the claims indefinite. One of an ordinary skill in the art would no know what that Applicant is intending to encompass with this language.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 13-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Masui U.S. Patent No. 7,301,870.

As per claim 13, Masui discloses an information recording apparatus (fig. 1) which irradiates a laser light onto a recording medium and forms a recording mark corresponding to a recording signal (see fig. 4), comprising: a light source (luminous source; in pickup 4) which emits the laser light; a signal generating unit (10) which generates a recording pulse signal for driving the light source based on the recording signal; and a test writing unit (12) which drives the light source based on the recording pulse signal and executes test writing, wherein the recording pulse signal includes a mark period for forming the recording mark and a space period for forming no recording mark (see figure 4), and wherein the test writing unit executes the test

writing (S4 Fig. 6; S17 Fig. 9; S27 Fig. 10) with making a recording power (PW5-14)) of a long mark constant (set to as obtained previously) and varying a recording power (Pw3) of a short mark (see col. 10 lines 11-15; col. 12, lines 11-20;).

As per claim 14, Masui discloses wherein the recording power (PW) of the long mark is a recording power ensuring reproduction compatibility (as specified optimum power).

As per claim 15, Masui discloses wherein the recording power of the long mark is a recording power making a modulation degree (m) within a predetermined range (see col. 9, lines 26-34).

As per claim 16, Masui discloses wherein the recording power of the long mark is a recording power making waveform distortion equal to or smaller than a predetermined value (see col. 9 line 65 to col. 10 line 2).

As per claim 17, Masui discloses wherein the recording power of the short mark is a recording power making asymmetry within a range of -0.05 to 0.15 (See col. 8 line 64 to col. 9 line 4).

As per claim 18, Masui discloses wherein the recording power of the short mark is a recording power making a “fA” (interpreted as β) value of 0.

As per claim 19, Masui discloses wherein the test writing unit reads a recording mark formed by the test writing, and repeats the test writing until asymmetry and/or “fA” (interpreted as β) value obtained based on the read recording mark satisfies a predetermined condition (See col. 8 line 64 to col. 9 line 4).

As per claim 20, Masui discloses wherein the short mark is a shortest mark (3T) and the long mark is a mark other than the short mark (5T or longer).

As per claim 21, Masui discloses wherein the short mark is a shortest mark (3T) and a second shortest mark (another 3T or 4T), and the long mark is a mark other than the short mark (5T or longer).

As per claim 22, Masui discloses wherein the short mark is a mark which does not have a level of no largest magnitude, and the long mark is a mark which has a level of largest magnitude (see fig. 7).

Claim 23 is drawn to the apparatus performing the method of claim 1 and is rejected for the same reasons of anticipation as used above.

Claim 24 is drawn to the method of claim 1 provided in a program product and is rejected for the same reasons of anticipation as used above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JORGE L. ORTIZ CRIADO whose telephone number is (571)272-7624. The examiner can normally be reached on Mon.-Fri 10:00 am- 6:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jorge L Ortiz-Criado/
Primary Examiner, Art Unit 2627